IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.588 OF 2004

Smt. Sajubai P. Ahire and Anr. .. Appellants

Versus

Smt. Malti M. Bhawar .. Respondent

Mr.S.M.Sakhardande for appellants

Mr.A.Y.Sakhare Sr.Counsel i/b P.M.Havnur for respondent

CORAM : P.V.KAKADE, J.

DATE : 28TH SEPTEMBER, 2004.

P.C.:

1. Heard both sides.

2. After hearing both the parties for some time it was suggested that the matter should be settled between the parties, accordingly. The appellant No.2 as well as respondent are present in the court in person along with

their advocates.

3. Advocate for the Appellant NO.2 has furnished a Note written by Appellant no.2 to the effect that he informs his advocate that if he gets time till 30th April 2006 to vacate the suit premises the appeal should be withdrawn. The learned counsel for the respondent on instructions agrees to do so. It is also agreed between the parties that Appellant No.1 shall stay in the suit premises till her life time. The decree shall not be executed against the appellant no.1.

4. The statement made on behalf of appellant no.2 is accepted by the court and it is hereby directed that the Appellant no.2 shall vacate the suit premises by 30th April 2006 for which purpose the Note given by Appellant no.2 in his hand written is taken on record and marked as "X" for identification.

5. On this understanding the learned counsel for the Respondent states that he will not press the execution proceedings pending in the Lower Court. It is also clarified that the appellant no.2 shall pay the outstanding of the suit property as per the Lower

Court’s Order till he vacate the premises by 30th April 2006. The appellant No.2 shall also file Understanding to this effect inspite of his Note in handwriting within one week. With these directions the appeal stands disposed of with no order as to costs.

6. It is also directed that the Appellant No.2 shall deposit the entire decretal arrears before 30th April 2006.